

LocusPoint Networks

Pleasanton Corporate Commons
6200 Stoneridge Mall Road, Suite 300
Pleasanton, CA 94588

September 11, 2013

BY ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 – 12th Street, SW
Washington, D.C. 20554

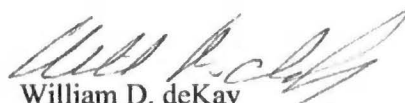
*Re: In the Matter of Expanding the Economic and Innovation Opportunities of
Spectrum Through Incentive Auctions, GN Docket No. 12-268
Notice of Oral Ex Parte Communication*

Dear Ms. Dortch:

On Tuesday, September 10, 2013, Ravi Potharlanka and I, representing LocusPoint Networks, LLC, had a telephone conversation regarding the above-referenced proceeding with Edward Smith of the Commission's Incentive Auction Task Force, and Robert Weller and Mark Colombo of the Office of Engineering and Technology. The discussion concerned the Commission's database of broadcast television stations situated near the United States-Canada border, and included discussion of the attached slides, which address the broadcast television allotments in upstate New York and the province of Ontario, Canada.

Please direct any questions to the undersigned.

Respectfully submitted,


William D. deKay
Chief Executive Officer

cc (w/ attachment): Edward Smith
Robert Weller
Mark Colombo

US-Canada Agreements related to TV Broadcasting Service

- ▶ Three documents govern the current arrangement between US and Canada
 - Early 1994: Agreement Relating to the TV Broadcasting Service and the Associated Working Arrangement;
 - September 2000: Letter of Understanding between the FCC and Industry Canada regarding the use of the TV bands for digital television; and
 - 2008 exchange of letters between the FCC and Industry Canada, which amended the 2000 Letter of Understanding in some respects and contemplated the negotiation of a new comprehensive agreement to replace the 1994 agreement.

- ▶ Allotments and Assignments (UHF Only) for Buffalo/Toronto Area

	Allotted	Used	Unused	
Canada				
Toronto	10	7	3	<i>Ch21, Ch30, and Ch51 are vacant</i>
Hamilton	2	2		
Oshawa	2	2		<i>1 unused channel but used in London</i>
Woodstock	1	1		
Paris	1	1		<i>Paris allotment changed to Ch17</i>
Total	16	13	3	
US				
Buffalo	9	8	1	<i>Ch34 is vacant</i>
Jamestown	3	2	1	<i>Ch27 in vacant, Ch46 used in Rochester</i>
Total	12	10	2	
Canada/US	Total	28	23	5

Toronto/Buffalo Channel Mapping

Channel	US/Buffalo	US/Rochester	Canada	Notes	
14	WUTV/Fox			Buffalo	
15	WBNF/ReI			Buffalo	
16		WXXI/PBS		Rochester	
17			CIII/Global	Paris, ON (Canada)	Owned by Shaw Comm.
18			CICO/TVO	London, ON (Canada)	Owned by Provincial Govt. (PBS-like)
19			CICA/TVO	Toronto, ON (Canada)	Owned by Provincial Govt. (PBS-like)
20			CBLT/CBC	Toronto, ON (Canada)	Main Federal Govt. broadcaster
21			VACANT/CANADA		YesTV Assignment in Toronto, but believe this is vacant
22			CHEX/CBC	Oshawa, ON (Canada)	Main Federal Govt. broadcaster
23	WPXI/ion			Buffalo	
24				VACANT/CANADA	
25	WVTT/AmericaOne		CBLFT/RC	Toronto, ON (Canada)	French language sister of CBC
26	WNYB/TCT			Jamestown, NY	
27				VACANT/US	
28		WUHF/Fox		Rochester	
29			CBLN	Kitchener, ON (Canada)	
30				VACANT/CANADA	
31			CITY/CityTV	Woodstock, ON (Canada)	Owned by Roger Comm.
32	WNLO/CW			Buffalo	
33	WGRZ/NBC			Buffalo	
34				VACANT/US	
35			CHCJ/CTV Two	Hamilton, ON (Canada)	Owned by BCE
36			CITS/Crossroads	Hamilton, ON (Canada)	Independent religious network (non-profit)
37				Radio Astronomy	
38	WKBW/ABC			Buffalo	
39	WIVB/CBS			Buffalo	
40			CJMT/OMNI	Toronto, ON (Canada)	Multicultural network, owned by Roger Comm.
41			CIII/Global	Toronto, ON (Canada)	Owned by Shaw Comm.
42			CKVP/CTV Two	Fonthill, ON (Canada)	Owned by BCE
43	WNED/PBS			Buffalo	
44			CityTV/City	Toronto, ON (Canada)	Owned by Roger Comm.
45		WROC/CBS		Rochester	
46		WBGT/MyTV		Rochester	
47			CFMT/OMNI.1	Toronto, ON (Canada)	Multicultural network, owned by Roger Comm.
48			CFMT/OMNI.1	London, ON (Canada)	Multicultural network, owned by Roger Comm.
49	WNYO/MyTV			Buffalo	
50			CHCH/Alvinston	Alvinston, ON (Canada)	Independent station owned by Channel Zero
51				VACANT/CANADA	CITY Assignment in Toronto, but believe this is vacant

Stations	11	4	17		
Vacant/US				2	
Vacant/Canada				4	
Total	11	4	17	6	

Possible Scenarios

- Range of outcomes: (Most Constraining to Least Constraining)
 - a) Protect all Canadian allotments: no ability to repack/move allotments
 - b) Protect all Canadian allotments: ability to repack/move allotments
 - c) Protect just Assigned stations: no ability to repack/move Canadian Stations
 - d) Protect just Assigned stations: ability to repack/move Canadian stations

- Other considerations
 - What happens if there is no agreement?
 - Potential impact on forward auction and impaired spectrum
 - Can US clear and hold “slots” for later trade with Canada
 - How did things work during 700 MHz band clearing?